March 12, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Written Ex Parte
911 Call Processing Modes
WT Dockets No. 99-328

Ms. Dortch:

This letter will respond to the March 4, 2004 submission from the Wireless Consumers Alliance ("WCA") in the above-referenced proceeding. In its filing, WCA offers a statement from its consultant, Robert Zicker, in which Mr. Zicker accuses TIA of failing to implement the requirements of the *Second Report & Order ("SRO")* and of misleading the Commission.[1] Contrary to Mr. Zicker and as demonstrated below, TIA's definition of call completion has not wavered, and its implementation of the *SRO* was faithful to the Commission's decision.

TIA is accredited by the American National Standards Institute ("ANSI") to develop American National Standards used by the wireless industry. Over the years, it has developed numerous standards for wireless communications – working with the industry and the Commission. As such, TIA submits that the Commission should give appropriate deference to TIA in its discussions of standards requirements and interpretations of its standards.

TIA unequivocally rejects the conclusions of WCA and Mr. Zicker and confirms the conclusions reached in TIA's January 20, 2004 comments submitted in this proceeding. As used in the *SRO* and as used by TIA in submittals made in the rule making that led to the adoption of the *SRO*, an analog call is "completed" with the successful assignment of a voice channel to the handset by the base station. TIA was never asked by the Commission during the *SRO* proceeding or required by the *SRO* to modify the standards-based requirement for a completed analog call.

Fundamentally, the issue is not what TIA had to say during the course of proceeding leading up to the adoption of the *SRO*. Instead, the Commission has essentially been asked by the United States District Court for the Northern District of Illinois to define the phrase "'call completion' as that phrase is used in the Commission's 1999 *Second Report and Order* regarding 911 calls."[2] TIA's January 20 Comments correctly asserted: (1)

---

[1] *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Second Report and Order, 14 FCC Rcd 10954 (1999) ("*SRO*").

[2] The court also asked "What is meant by "delivery of the call to the landline carrier" as that phrase is used in the *Second Report and Order*?" and "What action must be performed by wireless handsets within the

that "call completion" under existing analog standards means the assignment of a voice or traffic channel; (2) that adoption of WCA's view of "call completion" would be inconsistent with the standard for analog cellular system compatibility incorporated by reference in the Commission's Rules; and (3) that to implement WCA's version of 911 call completion would have required changes in standards in areas going well beyond the operation of cellular handsets.

Even in its attempted characterization of TIA's comments and position, WCA is wrong. TIA, through statements filed by CTIA in the proceeding leading to the *SRO* consistently maintained that under TIA/EIA 553-A, the analog compatibility standard adopted by reference in the Commission's rules,[3] "call completion" occurred upon the assignment of a voice channel by the base station to the handset at which time the handset entered "conversation state".[4] TIA at no time indicated that the standard for analog call completion would be changed with the approval of the Automatic A/B Roaming – Intelligent Retry ("A/B-IR") 911 call process. To the contrary, TIA reiterated that calls would be treated "exactly like the process applied to ordinary calls except for the overriding of the A-only and B-only and other restrictive programming modes for 9-1-1 calls."[5] The challenges faced by cellular handset manufacturers in implementing 911 call processing as mandated under the *SRO* involved the rapid development and testing of changes to equipment within nine months of the adoption of the *SRO*. As the Commission noted in the *SRO*, neither the method favored by industry nor that advanced by WCA's predecessor resolves completely concerns raised during the rule making; yet, each represents a substantial improvement over the then status quo.[6] Moreover, neither method changed the standard call setup methodology apart from allowing 911 calls to be placed on non-preferred carriers.[7]

Ironically, while seeking to impugn TIA's credibility, WCA has selectively quoted from earlier TIA statements in an effort to distort the record on this very point. While noting that it omitted text between the word "Yes" and the additional text he purported to quote in his March 4, 2004, filing, WCA pointedly failed to include the following statement before the last sentence in the alleged quote in footnote 1 of the March 4, 2004 *ex parte*:

17-second limit established in the *Second Report and Order*?" *In re Wireless Telephone 911 Calls Litigation*, MDL Docket No. 1521, Civil Action No. 03-CV-2597, Memorandum Opinion, 7-8 (N.D. Ill. Sept. 3, 2003).

[3] 47 C.F.R. § 22.921; 47 C.F.R.§ 22.901(b)(1).

[4] *See Ex Parte* presentation of CTIA, CC Docket No. 94-102, March 26, 1999 at 2 ("… if the call fails (does not reach conversation state)…"); *Ex Parte* presentation of CTIA, CC Docket No. 94-102, March 2, 1999 at 2 ("…to 'complete the call' means to reach Conversation State as defined in ANSI TIA/EIA 553-A."); *Ex Parte* presentation of CTIA, CC Docket No. 94-102, February 22, 1999 at 2 ("A call attempt can be considered *completed* when the analog mobile phone successfully confirms SAT (supervisory audio tone) on the Voice Channel and enters the 'Conversation State'.") (emphasis in original);

[5] *See* CTIA *Ex Parte* Presentation dated February 19, 1999, at 2. *See also*, an updated version of the February 19 presentation filed February 24, 1999.

[6] *SRO* at ¶¶ 78 – 80.

[7] Indeed during the *SRO* process, WCA itself even acknowledged that "both Automatic A/B Roaming and Strongest Signal operate within the existing industry standard." Ex parte presentation of WCA, CC Docket No. 94-102 filed January 13, 1999 at 2.

"Neither Automatic A/B Roaming [n]or Strongest Adequate signal changes the standard call setup methodology of making one concerted attempt at setting up the call then allowing the user to initiate another attempt if the resulting call failed to reach a satisfactory conclusion."[8] Mr. Zicker also failed to note the follow-on answer in which TIA explained: "The proposed Automatic A/B Roaming process behaves exactly like the process applied to ordinary calls except for the overriding of the A-only and B-only and other restrictive programming modes for 9-1-1 calls. This is one of the great advantages of the Automatic A/B Roaming approach. Because of the relatively minor change to the phone's programming, it is believed to be relatively easy to begin to manufacture – and therefore could be accomplished expeditiously."[9]

Notably, the issue is not the presence or absence of a fade timer at the base station or even whether such a fade timer is mandated by the analog compatibility standard to operate in a particular way. (It is not.) TIA/EIA 553-A did not at the time of the adoption of the *SRO* and does not now mandate such a timer or that such a timer be set to any particular value. Implementation of WCA's vision of how the methodology advanced by the industry should function would have required changes in the standard to mandate a base station fade timer and exactly how such a timer must operate. The standard clearly reserves such provisions relating to any such timer, and thereby preserves for system operators the flexibility needed to meet local conditions, including traffic demand and the vagaries of terrain that could lead to premature termination of a call. Furthermore, as noted by TIA, the standard permitted Discontinuous Transmission (DTX) from handsets so that transmission of SAT from the handset could be suspended when there was no voice activity by the handset user.[10] In order for the interpretation that WCA has suggested to be possible, the base station would need to have a standardized method for detecting and monitoring the SAT. This is even more problematic for systems that support DTX-capable handsets since the SAT signal might not be transmitted by the handset during pauses in voice activity.

Finally, the goal of TSB-119 was to implement the minimum changes in TIA/EIA 553-A needed to allow manufacturers to implement A/B-IR. Where there was no need to mandate a particular parameter, TSB-119 stands mute, leaving the implementation to the discretion of individual manufacturers.

[8] CTIA *Ex Parte* Presentation dated February 19, 1999, at 2.
[9] *Id., See also,* an updated version of the February 19 presentation filed February 24, 1999.
[10] *See TIA ex parte* presentation at 5.

In conclusion, the TIA/EIA cellular handset and base station compatibility standard as modified by TSB-119 poses no impediment to implementation of 911 call processing as envisioned by TIA in its presentations to the Commission before the adoption of the *SRO*. Nor are our comments on WCA's assertions in this latest proceeding inconsistent with the *SRO* or those prior representations.

Sincerely,

/s/

_____

Grant Seiffert
Vice President, External Affairs and Global Policy
Telecommunications Industry Association

Cc: Bryan Tramont
Sheryl Wilkerson
Jennifer Manner
Sam Feder
Paul Margie
Barry Ohlson
Julius Knapp
Scott Delacourt
Nese Guendelsberger